

REMARKS

Claims 1-3 and 3-19 are pending.

Claims 10 and 11 stand rejected under 35 U.S.C. 112, second paragraph.

Applicants have amended these claims to depend on claim 9, thereby correcting the antecedent basis problem.

Claims 1, 3-8, 12-14 stand rejected under 35 U.S.C. 102(a) and (e) as being anticipated by either Mayer et al. (US 6,030,924) or Maier et al. (US 6,448,204).

Applicants respectfully traverse this rejection.

Mayer et al. (US 6,030,924) teaches a granule formulation which comprises

a) a defoaming agent and/or a foam breaking agent of the class of perfluoralkyl-phosphonic acids and/or perfluoroalkylphosphonic acids; and

b) at least one active ingredient;

and which is prepared by extrusion (abstract). The granules may comprise 0 to 45% of a "filler" (column 7, lines 39 to 42). And they are used for the preparation of respective tank mixtures and exhibit no or a lower foam building tendency. By contrast, present claim 8 teaches a granule which comprises 90 to 99.99% of a solid carrier. Therefore, claim 8 is novel over Mayer.

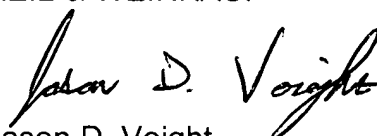
Present claims 1, 3-7 and 12-14 are directed to a method on increasing the efficacy of a herbicidal compound of formula IA by applying this compound IA in the form of a solid granule or powder directly to the soil. Mayer et al. only teaches a method of combating unwanted plants by applying a tank mixture that is obtained by mixing the solid granules with water. In other words, the soil is contacted by a fluid, but not by a solid. Mayer et al. provides no hint that a solid may be contacted with the soil

and that such a special solid increases the efficacy of the active ingredient compared with a liquid application. Therefore, the present claims are novel and non-obvious over the cited art.

Applicants urge that Maier et al. (US 6,448,204) is not prior art with respect to the instant application. Applicants note that Maier et al. was not published prior to the present application's filing date, and further that Maier et al. is owned by the present application's assignee. In any event, Maier et al. does not suggest a method of the application of solid formulation to the soil as claimed in claim 1.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,  
KEIL & WEINKAUF

  
Jason D. Voight  
Reg. No. 42,205

1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
(202) 659-0100